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April 1, 2020

BY ECF

Honorable Ronnie Abrams
United States District Judge
United States Courthouse
40 Centre Street
New York, New York 10007

Re: U.S. v. Hallil Tabar
17 CR 618 (RA)

Dear Judge Abrams:

I represent, Hallil Tabar, a defendant in the above listed case. As you may recall, Mr. Tabar was recently released on bail. In addition, while he was in custody he underwent an emergency neurosurgery procedure. He was in very substantial pain prior to the surgery and, although the operation was successful, he remains in pain.

He has been using over the counter medicines such as Tylenol and Ibruprofen but has not gotten any relief. His doctors have offered to prescribe opioids to treat the pain. However, Mr. Tabar does not want to take opioids. As I am sure you are aware, the use of opioids has a very dangerous side to it since we know the effects of long-term use, leading to possible addiction. As an alternative to using prescription medication, he was examined by a doctor and was given a medical marijuana certification.

He now seeks permission from the court to permit him to use this certification to obtain and use medically prescribed marijuana to deal with his pain. Because he will test positive for marijuana, if he is permitted to use it, Pre-Trial Services believes that the court, if so inclined, needs to approve this use and modify his bail conditions to permit the use and to recognize that it would not be a violation of his bail conditions if he tests positive for such use.

I have attached a copy of the marijuana certification hereto.

Respectfully,

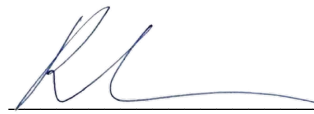
/s/ Lee Ginsberg
Lee Ginsberg

Encl.

cc: Nicholas Folly (By Email and ECF)
Catherine Ghosh (By Email and ECF)
U.S. PTO Mohammed Ahmed (by Email)

Application denied. "Federal law prohibits the use of marijuana for any purpose." *United States v. Derrick Atkins*, 10-CR-391-05 (CM) (S.D.N.Y. Jan 22, 2019), ECF No. 1787. The Controlled Substances Act categorizes marijuana as a Schedule I drug. *See* 21 U.S.C. § 812(b)(1),(c). "Although some medical marijuana is legal in [New York] as a matter of state law, the state's law conflicts with federal law. Where there is a conflict between federal and state law with respect to marijuana, '[t]he Supremacy Clause unambiguously provides . . . federal law shall prevail.'" *United States v. Schostag*, 895 F.3d 1025, 1028 (8th Cir. 2018) (quoting *Gonzales v. Raich*, 545 U.S. 1, 29 (2005)).

SO ORDERED



Hon. Ronnie Abrams
4/3/2020